

REMARKS

By the present amendments, Claims 1, 2, 8-11, 13-17, 20-23, 26 and 28 have been amended and Claims 6, 7, 12, 18, 19, 24, and 25 have been cancelled without prejudice or disclaimer. Accordingly, Claims 1-5, 8-11, 13-17, 20-13, 25-26 and 28 remain pending. Applicants respectfully submit that no new matter has been added by the foregoing amendments. Filed herewith is a Petition for Extension of Time under 37 C.F.R. §1.136 requesting a two-month extension of time and providing the requisite fee. In view of the amendments and remarks, Applicants respectfully asserts that the objections and rejections are now made moot and that the pending claims are in condition for allowance.

I. Claim Objection – 35 USC §102

In the Office Action, Claims 16-25 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,289,322 to Kitchen et al. It is asserted in the Office Action that Kitchen discloses an electronic bill payment system comprising a database configured to store bill availability information identifying available bills of a plurality of different billers for a plurality of different users, a processor configured to receive a real time network communication of an amount of one of the available bills identified in the stored bill availability information for a first of a plurality of different users from a first of the plurality of different billers, and a real time network communication of an instruction to pay the one available bill from the first user, to generate a directive to pay the amount of the available bill based upon the received communicated pay instruction, and to store the received communicated amount in the database in association with the bill availability information identifying the one available bill.

Kitchen is directed to electronic bill processing systems and methods for presenting billing information, including receiving billing information associated with a plurality of different billers, different portions of which represent bills for different payers. Kitchen teaches the payers requesting current billing information, which in response thereto the bill presentment information corresponding to the requested billing information is transmitted to the requesting

payer. Kitchen does not address the situation of a payer disputing a bill nor the determination of a revised bill amount.

In the response to the present rejection the Applicants have amended independent Claim 16 to recite, in addition to receiving a “first amount” of an available bill, the receipt of a “revised amount” of the same available bill, the generation of a directive to pay the “revised amount”, and the storage of the “revised amount” in the database. Similarly, Claim 20 has been amended to recite that a “revised amount” of an available bill is received subsequent to the transmission of a first amount of the available bill, and a directive to pay the “revised amount” is generated. Support for these amendments can be found in the Specification on at least page 43, line 1 to page 45, line 3, wherein an example of a disputed bill is provided. In contrast to the invention of Amended Claims 16 and 20, Kitchen does not address bill dispute, and therefore, does not teach or suggest an electronic bill payment system that provides for the receipt, payment and storage of a revised bill amount.

Accordingly, independent Claims 16 and 20 recite features not taught or suggested by Kitchen, and therefore, are patentable over the present rejection. Likewise, dependent Claims 17, 21-23 are patentable as a matter of law as depending from an allowable independent claim, notwithstanding their independent recitation of patentable subject matter.

II. Claim Rejection – 35 USC §103

In the Office Action, Claims 1-15, 26 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Kitchen in view of U.S. Patent No. 5,671,279 to Elgamal. In the Office Action, the teaching of Kitchen, as discussed above with regard to the rejection under 35 U.S.C. §102(e), is combined with the teaching of Elgamal, which allegedly discloses that the user network station and the biller network station can communicate directly to transmit and receive the bill related information. It is concluded that it would have been obvious to one with ordinary skill in the art at the time of the invention was made to improve the method of Kitchen by allowing for the biller to determine the amount of the bill based on the transmitted information from the user for the purpose of allowing the user and the biller to communicate directly to exchange the bill related information.

With regard to dependent Claim 8, the Office Action alleges that Kitchen discloses the transmitted information being indicative of a disputed portion of a previously determined amount of the available bill, citing Col. 10, Lines 32-42. Citing the same text, Claim 9 is rejected because Kitchen also allegedly discloses a first biller network station being operable to transmit the available bill including a previously determined amount, and that the determined amount of the available bill represents an adjustment to the previously determined amount.

In response, Applicants note that Kitchen does not teach or suggest the handling of a disputed bill, much less the determination of a revised bill amount to replace a first bill amount, as stated above. The text of Kitchen cited in the Office Action in connection with Claims 8 and 9 is directed to the generating and sending of reminder notices when a bill goes unpaid for a period of time. It does not address bill disputation.

Similarly, Elgamel merely discloses that a customer can dispute a credit card charge and can request a refund. Elgamel does not teach or suggest determining a “revised amount” nor generating a directive to pay the “revised amount.” Thus, independent Claims 1, 10 and 26, which individually recite the determination of a “revised amount” and the direction of payment of the “revised amount,” are patentable over Kitchen and Elgamel taken either alone or in combination.

Applicants further content that the combination of Kitchen and Elgamel is improper for lack of motivation or suggestion in the art for the combination for at least the reasons presented to the Patent Office in prior submissions in the present application, which are not reproduced here but are incorporated by reference as if set forth in full.

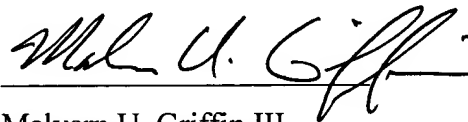
Accordingly, independent Claims 1, 10 and 26 recite features not taught or suggested by Kitchen or Elgamel taken alone or in combination, and therefore, are patentable over the present rejection. Likewise, dependent Claims 2-9, 11-15 and 28 are patentable as a matter of law as depending from an allowable independent claim, notwithstanding their independent recitation of patentable subject matter.

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AMENDMENT &
RESPONSE TO OFFICE ACTION

CONCLUSIONS

The Applicants believe they have responded to each matter raised by the Examiner. Allowance of the claims is respectfully solicited. Any questions may be directed to the undersigned at 404.853.8233. It is not believed that fees for addition of claims are required beyond those that may otherwise be provided for in documents accompanying this paper. However, any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 19-5029.

Respectfully submitted,



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